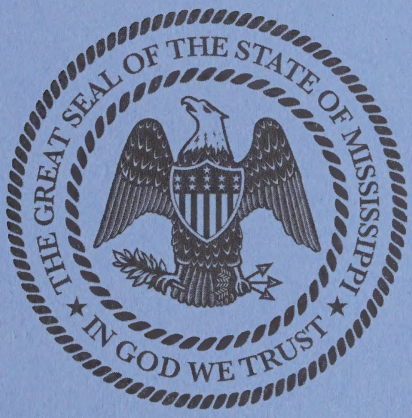
Pamphlet 1

MISSISSIPPI

ADVANCE SHEETS

2020 Legislative Session
General Laws



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MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2020

Regular Session

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PREFACE

Contents; publication schedule.

The 2020 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2020 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2020 Regular Session. This pamphlet, the first in the series, contains the first 3 general bills that have become law. The second and third pamphlets will contain the remainder of the acts from the 2020 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 1 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2020 Legislative Session.

Any such changes will be reflected in the 2020 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 701 E Water St., Charlottesville, Virginia 22902-5389.

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Summary of Acts

HB/SB		Page
HB1647	Local governmental entities and school districts; authorize grant of admin leave with pay in event of certain disasters or emergencies.	1
SB2257	State Auditor; authorize to examine tax returns necessary for auditing certain federal benefits.	4
SB2772	Coronavirus relief monies; transfer federal funds received, and provide small business relief.	15

LEGISLATIVE SUMMARIES

of important legislation enacted during

2020 Legislative Session

of the

State of Mississippi

COVID-19 RELIEF

Act creating and funding a COVID-19 relief fund and creating the 2020 COVID-19 Mississippi Business Assistance Act, as well as exempting Paycheck Protection Program funds from state taxation. **SB 2272**

PUBLIC ASSISTANCE

Right of state auditor to examine tax returns necessary for auditing benefits administered by the United States Department of Health and Human Services and the Department of Agriculture. **SB 2257**

PUBLIC OFFICERS AND EMPLOYEES

Ability of political subdivision to grant administrative leave with pay to employees in the event of a disaster or emergency. **HB 1647**

CUMULATIVE TABLE OF CODE SECTIONS AFFECTED

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-3-63	Added		hb1647	1	1
27-7-83	Amended		sb2257	1	1

Mississippi Legislature
2020 Regular Session

House Bill 1647

Description: Local governmental entities and school districts; authorize grant of admin leave with pay in event of certain disasters or emergencies.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: None
Revenue: No
Vote type required: Majority
Effective date: Passage
Suspension measure: SC 561

History of Actions:

1	03/17	(H) Referred To Rules
2	03/17	(H) Title Suff Do Pass
3	03/17	(H) Passed {Vote}
4	03/17	(H) Transmitted To Senate
5	03/18	(S) Referred To Rules
6	03/18	(S) Title Suff Do Pass
7	03/18	(S) Passed {Vote}
8	03/18	(S) Immediate Release
9	03/18	(S) Returned For Enrolling
10	03/18	(H) Enrolled Bill Signed
11	03/18	(S) Enrolled Bill Signed
12	03/19	Approved by Governor

----- Additional Information -----

House Committee: Rules
Senate Committee: Rules

Principal Author: Gunn
Additional Authors: Boyd, Weathersby, Carpenter, Darnell, Foster, McGee, Steverson

Title: AN ACT TO AUTHORIZE LOCAL GOVERNMENTAL ENTITIES AND LOCAL SCHOOL DISTRICTS TO GRANT ADMINISTRATIVE LEAVE WITH PAY TO THE EMPLOYEES OF THOSE LOCAL GOVERNMENTAL ENTITIES AND LOCAL SCHOOL DISTRICTS IN THE EVENT OF CERTAIN DISASTERS OR EMERGENCIES; AND FOR RELATED PURPOSES.

2020 GENERAL LAWS OF MISSISSIPPI HB 1647

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Representatives Gunn, Boyd, Weathersby, Carpenter, Darnell, Foster, McGee, Steverson

To: Rules

HOUSE BILL NO. 1647

AN ACT TO AUTHORIZE LOCAL GOVERNMENTAL ENTITIES AND LOCAL SCHOOL DISTRICTS TO GRANT ADMINISTRATIVE LEAVE WITH PAY TO THE EMPLOYEES OF THOSE LOCAL GOVERNMENTAL ENTITIES AND LOCAL SCHOOL DISTRICTS IN THE EVENT OF CERTAIN DISASTERS OR EMERGENCIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. From and after March 14, 2020, the board of supervisors of any county, the governing authority of any municipality and the local school board of any public school district may grant administrative leave with pay during the affected period within the affected county, municipality or school district to the employees of such governmental entities on a local or statewide basis in the event of extreme weather conditions or in the event of a man-made, technological or natural disaster or emergency, if such event has resulted in an emergency declaration by the Governor. Any employee on a previously approved leave during the affected period shall be eligible for such administrative leave granted by the governing authority, and shall

not be charged for his or her previously approved leave during the affected period.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2257

Description: State Auditor; authorize to examine tax returns necessary for auditing certain federal benefits.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/31	(S)	Referred To Finance
2	02/06	(S)	Title Suff Do Pass
3	02/11	(S)	Amended
4	02/11	(S)	Passed As Amended {Vote}
5	02/11	(S)	Motion to Reconsider Entered
6	02/13	(S)	Motion to Reconsider Tabled
7	02/13	(S)	Transmitted To House
8	02/13	(H)	Referred To Ways and Means
9	02/26	(H)	Title Suff Do Pass As Amended
10	02/26	(H)	Amended
11	02/26	(H)	Passed As Amended {Vote}
12	02/26	(H)	Motion to Reconsider Entered (Johnson, Lamar, Steverson)
13	02/27	(H)	Motion to Reconsider Tabled
14	02/28	(H)	Returned For Concurrence
15	03/02	(S)	Concurred in Amend From House {Vote}
16	03/02	(S)	Motion to Reconsider Entered
17	03/03	(S)	Reconsidered
18	03/03	(S)	Concurred in Amend From House {Vote}
19	03/05	(S)	Enrolled Bill Signed
20	03/05	(H)	Enrolled Bill Signed
21	03/11	Law	W/out Governor's Signature

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted***{Vote}
[H] Amendment No 1 to Amendment No 1Lost Voice Vote
[H] Amendment No 2 to Amendment No 1Lost Voice Vote

Amendment Report for Senate Bill No. 2257

Code Section: A 027-0007-0083

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins
Additional Authors: Branning, Carter, Caughman, Chassaniol, Chism, Hill, Jackson (15th), McDaniel, McLendon, McMahan, Moran, Seymour, Sojourner, Tate, Whaley, Younger, Blackwell

Title: AN ACT TO AMEND SECTION 27-7-83, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE AUDITOR AND HIS EMPLOYEES TO EXAMINE THE TAX RETURNS AS ARE NECESSARY FOR AUDITING BENEFITS ADMINISTERED UNDER THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE UNITED STATES DEPARTMENT OF AGRICULTURE AND TO MAKE INFORMATION RELATED TO THE AUDITS AVAILABLE TO STATE AGENCIES RESPONSIBLE FOR THE ADMINISTRATION OF SUCH BENEFITS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Harkins, Branning, Carter, Caughman, Chassaniol, Chism, Hill, Jackson (15th), McDaniel, McLendon, McMahan, Moran, Seymour, Sojourner, Tate, Whaley, Younger, Blackwell

To: Finance

SENATE BILL NO. 2257
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-83, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE AUDITOR AND HIS EMPLOYEES TO EXAMINE THE TAX RETURNS AS ARE NECESSARY FOR AUDITING BENEFITS ADMINISTERED UNDER THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE UNITED STATES DEPARTMENT OF AGRICULTURE AND TO MAKE INFORMATION RELATED TO THE AUDITS AVAILABLE TO STATE AGENCIES RESPONSIBLE FOR THE ADMINISTRATION OF SUCH BENEFITS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-83, Mississippi Code of 1972, is amended as follows:

27-7-83. (1) Returns and return information filed or furnished under the provisions of this chapter shall be confidential, and except in accordance with proper judicial order, as otherwise authorized by this section, as authorized in Section 27-4-3 or as authorized under Section 27-7-821, it shall be unlawful for the Commissioner of Revenue or any deputy, agent, clerk or other officer or employee of the Department of Revenue or the Mississippi Department of Information Technology Services, or any former employee thereof, to divulge or make known in any manner the amount of income or any particulars set forth or

disclosed in any report or return required. The provisions of this section shall apply fully to any federal return, a copy of any portion of a federal return, or any information reflected on a federal return which is attached to or made a part of the state tax return. Likewise, the provisions of this section shall apply to any federal return or portion thereof, or to any federal return information data which is acquired from the Internal Revenue Service for state tax administration purposes pursuant to the Federal-State Exchange Program cited at Section 6103, Federal Internal Revenue Code. The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum, but shall include only those orders entered by a court of record in this state after furnishing notice and a hearing to the taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted.

(2) Returns and return information with respect to taxes imposed by this chapter shall be open to inspection by or disclosure to the Commissioner of the Internal Revenue Service of the United States, or the proper officer of any state imposing an income tax similar to that imposed by this chapter, or the authorized representatives of such agencies. Such inspection

shall be permitted, or such disclosure made, only upon written request by the head of such agencies, or the district director in the case of the Internal Revenue Service, and only to the representatives of such agencies designated in a written statement to the Commissioner of Revenue as the individuals who are to inspect or to receive the return or return information on behalf of such agency. The Commissioner of Revenue is authorized to enter into agreements with the Internal Revenue Service and with other states for the exchange of returns and return information data, or the disclosure of returns or return information data to such agencies, only to the extent that the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of the tax laws of this state.

(3) (a) The return of a person shall, upon written request, be open to inspection by or disclosure to:

(i) In the case of the return of an individual, that individual;

(ii) In the case of an income tax return filed jointly, either of the individuals with respect to whom the return is filed;

(iii) In the case of the return of a partnership, any person who was a member of such partnership during any part of the period covered by the return;

(iv) In the case of the return of a corporation or a subsidiary thereof, any person designated by resolution of its board of directors or other similar governing body, or any officer or employee of such corporation upon written request signed by any principal officer and attested to by the secretary or other officer;

(v) In the case of the return of an estate, the administrator, executor or trustee of such estate, and any heir at law, next of kin or beneficiary under the will, of the decedent, but only to the extent that such latter persons have a material interest which will be affected by information contained therein;

(vi) In the case of the return of a trust, the trustee or trustees, jointly or separately, and any beneficiary of such trust, but only to the extent that such beneficiary has a material interest which will be affected by information contained therein;

(vii) In the case of the return of an individual or a return filed jointly, any claimant agency or claimant local government seeking to collect a debt through the setoff procedure established in Sections 27-7-701 through 27-7-713, Sections 27-7-501 through 27-7-519 and/or Sections 27-7-801 through 27-7-823, as the case may be, from an individual with respect to whom the return is filed.

(b) If an individual described in paragraph (a) is legally incompetent, the applicable return shall, upon written

request, be open to inspection by or disclosure to the committee, trustee or guardian of his estate.

(c) If substantially all of the property of the person with respect to whom the return is filed is in the hands of a trustee in bankruptcy or receiver, such return or returns for prior years of such person shall, upon written request, be open to inspection by or disclosure to such trustee or receiver, but only if the Commissioner of Revenue finds that such receiver or trustee, in his fiduciary capacity, has a material interest which will be affected by information contained therein.

(d) Any return to which this section applies shall, upon written request, also be open to inspection by or disclosure to the attorney-in-fact duly authorized in writing by any of the persons described in paragraph (a) of this subsection to inspect the return or receive the information on his behalf, subject to the conditions provided in paragraph (a).

(e) Return information with respect to any taxpayer may be open to inspection by or disclosure to any person authorized by this subsection to inspect any return of such taxpayer if the Commissioner of Revenue determines that such disclosure would not seriously impair state tax administration.

(4) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue * * * and auditing benefits administered under the United States Department of Health and

Human Services and the United States Department of Agriculture. The State Auditor and the employees of his office may make information related to auditing such benefits available to and may exchange the information with state agencies responsible for the administration of the benefits. Except as otherwise provided in this subsection (4), the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his employees or former employees.

(5) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(6) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of

the University Research Center to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(7) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2 shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(8) Information necessary to comply with Chapter 13, Title 85, may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(9) Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the

identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or any other attorney representing the state, of the report or return of any taxpayer who shall bring action to set aside the tax thereon, or against whom any action or proceeding has been instituted to recover any tax or penalty imposed.

(10) Nothing in this section shall prohibit the commissioner from making available information necessary to recover taxes owing the state pursuant to the authority granted in Section 27-75-16.

(11) Reports and returns required under the provisions of this chapter shall be preserved in accordance with approved records control schedules. No records, however, may be destroyed without the approval of the Director of the Department of Archives and History.

(12) The Department of Revenue is authorized to disclose to the Child Support Unit and to the Fraud Investigation Unit of the Department of Human Services without the need for a subpoena or proper judicial order the name, address, social security number, amount of income, source of income, assets and other relevant information, records and tax forms for individuals who are delinquent in the payment of any child support as defined in Section 93-11-101 or who are under investigation for fraud or abuse of any state or federal program or statute as provided in Section 43-1-23.

(13) Nothing in this section shall prohibit the Department of Revenue from exchanging information with the federal government that is necessary to offset income tax refund payment on debts owed to this state or the United States.

(14) Nothing in this section shall prohibit the department from making available information that is necessary to be disclosed for the administration and enforcement of Section 27-7-87.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2020 Regular Session

Senate Bill 2772

Description: Coronavirus relief monies; transfer federal funds received, and provide small business relief.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	02/17	(S)	Referred To Appropriations
2	02/25	(S)	Title Suff Do Pass
3	03/06	(S)	Passed {Vote}
4	03/09	(S)	Transmitted To House
5	03/25	(H)	Referred To Appropriations
6	05/01	(H)	Title Suff Do Pass As Amended
7	05/01	(H)	Passed As Amended
8	05/01	(H)	Immediate Release
9	05/01	(H)	Returned For Concurrence
10	05/01	(S)	Concurred in Amend From House {Vote}
11	05/01	(S)	Immediate Release
12	05/01	(S)	Enrolled Bill Signed
13	05/01	(H)	Enrolled Bill Signed
14	05/07	(S)	Recalled From Governor
15	05/07	(S)	Motion to Reconsider Entered
16	05/13	(S)	Reconsidered
17	05/13	(S)	Decline to Concur/Invite Conf
18	05/13	(S)	Conferees Named Hopson,Harkins,Simmons (12th)
19	05/13	(H)	Conferees Named Read,Busby,Johnson
20	05/13	(S)	Conference Report Filed
21	05/13	(H)	Conference Report Filed
22	05/13	(H)	Point of Order Raised
23	05/13	(H)	Point of Order-Not Well Taken
24	05/13	(H)	Conference Report Adopted {Vote}
25	05/13	(H)	Motion to Reconsider Entered (Lamar, Read, Oliver)
26	05/13	(S)	Conference Report Adopted {Vote}

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27  05/14   (H) Motion to Reconsider Tabled
28  05/14   (S) Motion to Reconsider Entered
29  05/14   (S) Motion to Reconsider Tabled
30  05/14   (S) Enrolled Bill Signed
31  05/14   (H) Enrolled Bill Signed
32  05/20   Approved by Governor
```

Amendments:

[H] Committee Amendment No 1 ***Adopted***{Vote}
Amendment Report for Senate Bill No. 2772

Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Hopson

Title: AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS OF CERTAIN FUNDS; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESCALATE CERTAIN FUNDS DURING FISCAL YEAR 2020; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI COVID-19 RELIEF PAYMENT FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR PAYMENTS TO CERTAIN TAXPAYERS UNDER THIS ACT; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO AUTHORIZE THE GOVERNOR TO TRANSFER UNOBLIGATED MONIES IN THE FUND AS OF NOVEMBER 1, 2020, TO ANOTHER STATE AGENCY FOR USE PURSUANT TO THE CARES ACT; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ESTABLISH A PROGRAM TO PROVIDE DIRECT PAYMENTS TO TAXPAYERS WITH CERTAIN NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES THAT WERE SUBJECT TO COVID-19 RELATED STATE, MUNICIPAL AND/OR COUNTY REQUIRED BUSINESS CLOSURES; TO SET THE DIRECT PAYMENT AMOUNT AT $2,000.000 PER ELIGIBLE TAXPAYER; TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY COORDINATE WITH VARIOUS PROFESSIONAL LICENSING BOARDS AND OTHER REGULATORY ENTITIES FOR THE PURPOSE OF DETERMINING TAXPAYERS ELIGIBLE FOR PAYMENTS UNDER THIS ACT; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL COMPILE A REPORT OF ELIGIBLE TAXPAYERS AND PROVIDE THE REPORT TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, WHICH SHALL DISBURSE THE PAYMENTS AUTHORIZED UNDER THIS ACT; TO DIRECT OTHER STATE OFFICES AND AGENCIES TO ASSIST THE MDA IN CARRYING OUT ITS DUTIES UNDER THIS ACT; TO CREATE THE "2020

COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT"; TO DEFINE TERMS; TO ESTABLISH THE "BACK TO BUSINESS MISSISSIPPI GRANT PROGRAM," TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE BUSINESSES TO REIMBURSE THEM FOR ELIGIBLE EXPENSES; TO SPECIFY THE PRIORITY OF ELIGIBLE BUSINESSES AWARDED GRANTS UNDER THE PROGRAM; TO DIRECT THE MISSISSIPPI DEVELOPMENT AUTHORITY TO DEVELOP REGULATIONS, PROCEDURES AND APPLICATION FORMS TO GOVERN THE ADMINISTRATION OF THE PROGRAM; TO ALLOW THE MISSISSIPPI DEVELOPMENT AUTHORITY TO RETAIN A PORTION OF GRANT MONIES, NOT TO EXCEED $900,000.00, TO COVER ITS EXPENSES IN ADMINISTERING THE PROGRAM; TO PRESCRIBE THE REQUIREMENTS OF APPLICATION FOR THE GRANT; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SET CRITERIA FOR DETERMINING THE AMOUNTS OF THE PAYMENTS; TO REQUIRE THAT AT LEAST $40,000,000.00 IN GRANTS, EXCLUSIVE OF ADMINISTRATIVE EXPENSES RETAINED BY THE MDA, BE AWARDED TO MINORITY BUSINESS ENTERPRISES; TO SPECIFY THAT GRANTS AWARDED SHALL NOT BE SUBJECT TO TAX, BUT ELIGIBLE EXPENSES FOR WHICH GRANTS ARE RECEIVED MAY NOT BE ITEMIZED AS TAX DEDUCTIONS; TO CREATE THE "BACK TO BUSINESS MISSISSIPPI GRANT FUND" IN THE STATE TREASURY TO FINANCE THE PROGRAM; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO AUTHORIZE THE GOVERNOR TO TRANSFER UNOBLIGATED MONIES IN THE FUND AS OF NOVEMBER 1, 2020, TO ANOTHER STATE AGENCY FOR USE PURSUANT TO THE CARES ACT; TO DIRECT OTHER STATE OFFICES AND AGENCIES TO ASSIST THE MDA IN CARRYING OUT ITS DUTIES UNDER THIS ACT; TO DIRECT THE MDA TO WORK WITH THE DEPARTMENT OF REVENUE TO VERIFY APPLICANT TAX INFORMATION, AND WITH THE DEPARTMENT OF HUMAN SERVICES TO PROMOTE APPLICATION BY CHILDCARE ORGANIZATIONS; TO DIRECT THE SECRETARY OF STATE TO NOTIFY ALL REGISTERED BUSINESSES OF THE AVAILABILITY OF GRANTS UNDER THE PROGRAM; TO PROVIDE THAT FUNDS RECEIVED UNDER THE PAYCHECK PROTECTION PROGRAM (PPP) SHALL NOT BE SUBJECT TO TAX, BUT ELIGIBLE EXPENSES FOR WHICH PPP FUNDS ARE RECEIVED MAY NOT BE ITEMIZED AS TAX DEDUCTIONS; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

2020 GENERAL LAWS OF MISSISSIPPI SB 2772

MISSISSIPPI LEGISLATURE REGULAR SESSION 2020

By: Senator(s) Hopson To: Appropriations

SENATE BILL NO. 2772
(As Sent to Governor)

AN ACT TO DIRECT THE STATE FISCAL OFFICER TO MAKE TRANSFERS OF CERTAIN FUNDS; TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESCALATE CERTAIN FUNDS DURING FISCAL YEAR 2020; TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT AND FINDINGS; TO CREATE THE "MISSISSIPPI COVID-19 RELIEF PAYMENT FUND" AS A SPECIAL FUND IN THE STATE TREASURY FOR THE PURPOSE OF PROVIDING FUNDS FOR PAYMENTS TO CERTAIN TAXPAYERS UNDER THIS ACT; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO AUTHORIZE THE GOVERNOR TO TRANSFER UNOBLIGATED MONIES IN THE FUND AS OF NOVEMBER 1, 2020, TO ANOTHER STATE AGENCY FOR USE PURSUANT TO THE CARES ACT; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL ESTABLISH A PROGRAM TO PROVIDE DIRECT PAYMENTS TO TAXPAYERS WITH CERTAIN NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM CODES THAT WERE SUBJECT TO COVID-19 RELATED STATE, MUNICIPAL AND/OR COUNTY REQUIRED BUSINESS CLOSURES; TO SET THE DIRECT PAYMENT AMOUNT AT $2,000.000 PER ELIGIBLE TAXPAYER; TO PROVIDE THAT THE DEPARTMENT OF REVENUE MAY COORDINATE WITH VARIOUS PROFESSIONAL LICENSING BOARDS AND OTHER REGULATORY ENTITIES FOR THE PURPOSE OF DETERMINING TAXPAYERS ELIGIBLE FOR PAYMENTS UNDER THIS ACT; TO PROVIDE THAT THE DEPARTMENT OF REVENUE SHALL COMPILE A REPORT OF ELIGIBLE TAXPAYERS AND PROVIDE THE REPORT TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION, WHICH SHALL DISBURSE THE PAYMENTS AUTHORIZED UNDER THIS ACT; TO DIRECT OTHER STATE OFFICES AND AGENCIES TO ASSIST THE MDA IN CARRYING OUT ITS DUTIES UNDER THIS ACT; TO CREATE THE "2020 COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT"; TO DEFINE TERMS; TO ESTABLISH THE "BACK TO BUSINESS MISSISSIPPI GRANT PROGRAM," TO BE ADMINISTERED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, FOR THE PURPOSE OF MAKING GRANTS TO ELIGIBLE BUSINESSES TO REIMBURSE THEM FOR ELIGIBLE EXPENSES; TO SPECIFY THE PRIORITY OF ELIGIBLE BUSINESSES AWARDED GRANTS UNDER THE PROGRAM; TO DIRECT THE MISSISSIPPI DEVELOPMENT

AUTHORITY TO DEVELOP REGULATIONS, PROCEDURES AND APPLICATION FORMS TO GOVERN THE ADMINISTRATION OF THE PROGRAM; TO ALLOW THE MISSISSIPPI DEVELOPMENT AUTHORITY TO RETAIN A PORTION OF GRANT MONIES, NOT TO EXCEED $900,000.00, TO COVER ITS EXPENSES IN ADMINISTERING THE PROGRAM; TO PRESCRIBE THE REQUIREMENTS OF APPLICATION FOR THE GRANT; TO SPECIFY THAT THE USE OF GRANT FUNDS SHALL BE SUBJECT TO AUDIT, AND NONCOMPLIANCE WITH THE TERMS OF THE GRANT SHALL REQUIRE REPAYMENT OF GRANT MONIES TO THE STATE; TO SET CRITERIA FOR DETERMINING THE AMOUNTS OF THE PAYMENTS; TO REQUIRE THAT AT LEAST $40,000,000.00 IN GRANTS, EXCLUSIVE OF ADMINISTRATIVE EXPENSES RETAINED BY THE MDA, BE AWARDED TO MINORITY BUSINESS ENTERPRISES; TO SPECIFY THAT GRANTS AWARDED SHALL NOT BE SUBJECT TO TAX, BUT ELIGIBLE EXPENSES FOR WHICH GRANTS ARE RECEIVED MAY NOT BE ITEMIZED AS TAX DEDUCTIONS; TO CREATE THE "BACK TO BUSINESS MISSISSIPPI GRANT FUND" IN THE STATE TREASURY TO FINANCE THE PROGRAM; TO SPECIFY THAT ALL MONIES SHALL BE DISBURSED FROM THIS SPECIAL FUND IN COMPLIANCE WITH THE REQUIREMENTS OF THE CARES ACT AND GUIDELINES FROM THE UNITED STATES DEPARTMENT OF THE TREASURY REGARDING THE USE OF MONIES FROM THE CORONAVIRUS RELIEF FUND; TO AUTHORIZE THE GOVERNOR TO TRANSFER UNOBLIGATED MONIES IN THE FUND AS OF NOVEMBER 1, 2020, TO ANOTHER STATE AGENCY FOR USE PURSUANT TO THE CARES ACT; TO DIRECT OTHER STATE OFFICES AND AGENCIES TO ASSIST THE MDA IN CARRYING OUT ITS DUTIES UNDER THIS ACT; TO DIRECT THE MDA TO WORK WITH THE DEPARTMENT OF REVENUE TO VERIFY APPLICANT TAX INFORMATION, AND WITH THE DEPARTMENT OF HUMAN SERVICES TO PROMOTE APPLICATION BY CHILDCARE ORGANIZATIONS; TO DIRECT THE SECRETARY OF STATE TO NOTIFY ALL REGISTERED BUSINESSES OF THE AVAILABILITY OF GRANTS UNDER THE PROGRAM; TO PROVIDE THAT FUNDS RECEIVED UNDER THE PAYCHECK PROTECTION PROGRAM (PPP) SHALL NOT BE SUBJECT TO TAX, BUT ELIGIBLE EXPENSES FOR WHICH PPP FUNDS ARE RECEIVED MAY NOT BE ITEMIZED AS TAX DEDUCTIONS; TO PROVIDE THAT A DECLARATION OF ANY PORTION OF THIS ACT AS INVALID SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Capital Expense Fund out of the Budget Contingency Fund (Fund Number 6117700000).....$ 7,599,822.00.

(2) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Budget Contingency Fund out of the DFA CARES ACT COVID-19 Fund (Fund Number

6820113000).....$ 900,000,000.00.

(3) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Mississippi COVID-19 Relief Payment Fund created by this act out of the DFA CARES ACT COVID-19 Fund (Fund Number 6820113000)

.....$ 60,000,000.00.

The Mississippi Department of Finance and Administration shall have the authority to receive, budget and escalate these federal funds for providing grants under Section 4 of this act.

(4) Upon the effective date of this act, the State Fiscal Officer shall transfer to the Back to Business Mississippi Grant Fund created by this act out of the DFA CARES ACT COVID-19 Fund (Fund Number 6820113000)

.....$ 240,000,000.00.

The Mississippi Development Authority shall have the authority to receive, budget and escalate these federal funds for providing grants under Sections 5 through 10 of this act.

SECTION 2. During fiscal year 2020, the Department of Finance and Administration shall have the authority to receive, budget and escalate federal funds in the DFA CARES ACT COVID-19 Fund (Fund Number 6820113000) in an amount not to exceed Fifty Million Dollars ($50,000,000.00) for defraying expenses incurred by any state agency, department or institution for the purposes provided under the Coronavirus Relief Fund, Section 5001 of the

federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136).

SECTION 3. The Legislature intends to provide economic support to eligible Mississippi businesses for costs incurred in connection with the Coronavirus Disease 2019 (COVID-19), including business interruption caused by forced closures or restricted operations resulting from voluntary closures instituted to promote social distancing measures, decreased customer demand, cleaning or disinfection, and provision of personal protective equipment. Eligible expenses shall not include any damage paid by business interruption insurance or disallowed by Section 5001 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act or any guidance or regulation issued by the United States Department of the Treasury in conformity therewith.

In order to expedite payment to businesses in need of economic support due to required or voluntary closures related to COVID-19, while minimizing administrative costs and delays, the Legislature finds that a direct payment of Two Thousand Dollars ($2,000.00) per business is a necessary expense, as provided for in Section 4 of this act. The Legislature finds further that an application process is warranted for the provision of additional compensation, whereby eligible businesses not wishing to itemize their expenses may receive, subject to approval, a base payment of One Thousand Five Hundred Dollars ($1,500.00) plus Five Hundred Dollars ($500.00) per full-time equivalent employee as a

reasonable estimate of their costs incurred, as provided for in Sections 5 through 10 of this act.

SECTION 4. (1) As used in this section, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "COVID-19" means the Coronavirus Disease 2019.

(b) "Department" means the Mississippi Department of Revenue.

(c) "Eligible taxpayer" means a resident taxpayer, or a taxpayer with a permanent place of business located in the state, that:

(i) Was registered with the department before March 1, 2020, had an Employer Identification Number or Social Security Number before March 1, 2020, and/or had an active department withholding account established before March 1, 2020, which withholding account was not for the purposes of paying household employees or as a home healthcare recipient;

(ii) Had a North American Industry Classification System Code of 4421, 4422, 4481, 4482, 4483, 4511, 4512, 4531, 4532, 4533, 4539, 5121, 6116, 6244, 7111, 7112, 7131, 7139, 7225 or 8121, before March 1, 2020, and was engaged as an active business in such activity before March 1, 2020;

(iii) Was subject to any COVID-19 related state, municipal and/or county required business closure or voluntary closure;

(iv) Filed Mississippi taxes for tax year 2018 or 2019, or, for an eligible business formed on or after January 1, 2020, intends to file Mississippi taxes for tax year 2020, unless exempt under Section 27-7-29, Section 27-13-63 or other applicable provision of law;

(v) Had no more than fifty (50) full-time equivalent employees as of March 1, 2020; and

(vi) Is not a subsidiary of a business with more than fifty (50) full-time equivalent employees, is not part of a larger business enterprise with more than fifty (50) full-time equivalent employees and is not owned by a business with more than fifty (50) full-time equivalent employees.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the "Mississippi COVID-19 Relief Payment Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used for the purpose of providing payments to eligible taxpayers as provided in this section. Monies in the fund shall be administered and disbursed by the Department of Finance and Administration in compliance with the guidelines, guidance, rules, regulations

and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act. If on November 1, 2020, there are unobligated monies in the fund, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

(b) The department shall establish a program to provide a payment of Two Thousand Dollars ($2,000.00) to each eligible taxpayer. The department may coordinate with various professional licensing boards and other regulatory entities and agencies for the purpose of identifying eligible taxpayers as defined herein and compile a report of eligible taxpayers. The department shall certify the report to the Department of Finance and Administration, which shall disburse the payments authorized under this section to eligible taxpayers.

(c) To effectuate the purposes of this act, any office, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the department, provide the employees, facilities, assistance, information and data needed to enable the department to carry out its duties.

SECTION 5. Sections 5 through 10 of this act shall be known and may be cited as the "2020 COVID-19 Mississippi Business Assistance Act."

SECTION 6. As used in Sections 5 through 10 of this act, the following terms shall have the meanings ascribed unless the context otherwise requires:

(a) "COVID-19" means the Coronavirus Disease 2019.

(b) "CARES Act" means the Coronavirus Aid, Relief, and Economic Security Act.

(c) "Eligible business" means a for-profit corporation, a limited liability company, a partnership or a sole proprietorship that:

(i) Was domestic as of March 1, 2020;

(ii) Is in good standing with the Secretary of State, if applicable;

(iii) Suffered an interruption of business;

(iv) Has a controlling interest owned by one or more Mississippi residents, whether individual resident citizens or Mississippi domestic business entities;

(v) Filed Mississippi taxes for tax year 2018 or 2019, or, for an eligible business formed on or after January 1, 2020, intends to file Mississippi taxes for tax year 2020, unless exempt under Section 27-7-29, Section 27-13-63 or other applicable provision of law;

(vi) Has customers or employees coming to its physical premises, conducts business on customer premises, or has an owner who is an active participant in the day-to-day operations of the business;

(vii) Had no more than fifty (50) full-time equivalent employees as of March 1, 2020;

(viii) Is not a subsidiary of a business with more than fifty (50) full-time equivalent employees, is not part of a larger business enterprise with more than fifty (50) full-time equivalent employees and is not owned by a business with more than fifty (50) full-time equivalent employees;

(ix) Does not exist for the purpose of advancing partisan political activities, does not directly lobby federal or state officials as provided in Sections 5-8-1 through 5-8-23, and has not employed or otherwise worked with a lobbyist as defined in Section 5-8-3 in any way at any point during 2020; and

(x) Does not derive income from passive investments without active participation in business operations.

(d) "Interruption of business" means disruption of regular business operations resulting from required or voluntary closure related to COVID-19.

(e) "Public health measure" means any action reasonably taken to prevent the spread of COVID-19 in the workplace.

(f) "Eligible expense" means a cost incurred by an eligible business for public health measures or due to

interruption of business. Eligible expenses due to interruption of business may consist only of mortgage interest, rent, payroll and utilities, or other COVID-19-related expenses allowed by law, each for no more than a two-month period. Eligible expenses shall not include lost profits. No cost will be considered an eligible expense if found to be ineligible under the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(g) "MDA" means the Mississippi Development Authority.

(h) "Grant" means an award by the MDA to an eligible business to cover eligible expenses in accordance with Sections 5 through 10 of this act.

(i) "Program" means the Back to Business Mississippi Grant Program established in Sections 5 through 10 of this act.

(j) "Minority business enterprise" means a socially and economically disadvantaged small business concern performing a commercially useful function which is owned and controlled by one or more minorities or minority business enterprises certified by the Mississippi Development Authority, at least fifty percent (50%) of whom are resident citizens of the State of Mississippi. Except as otherwise provided, for purposes of this act, the term "socially and economically disadvantaged small business concern" shall have the meaning ascribed to such term under the Small

Business Act, 15 USC Section 637(a), or women, and the term "owned and controlled" means a business in which one or more minorities or minority business enterprises certified by the Mississippi Development Authority own sixty percent (60%) or, in the case of a corporation, sixty percent (60%) of the voting stock, and control sixty percent (60%) of the management and daily business operations of the business.

SECTION 7. (1) The Legislature facilitates access by Mississippi small businesses to federal relief and recovery funds related to COVID-19. Accordingly, the Back to Business Mississippi Grant Program is established, to be administered by the MDA, for the purpose of making grants to eligible businesses to reimburse them for eligible expenses as defined in Sections 5 through 10 of this act.

(2) From the date of the beginning of the period for applications for grants under this section, the MDA shall for the first twenty-one (21) days of the application period only consider and review applications from eligible businesses that (i) did not receive a United States Small Business Administration-Guaranty Paycheck Protection Program loan and/or a United States Small Business Administration Economic Injury Disaster Loan Emergency Advance, (ii) did not receive and has not been awarded reimbursement under any other federal program for the expenses that will be reimbursed by a grant under this section and (iii) did not receive compensation from an insurance company for the

interruption of business. After the completion of such twenty-one-day period, the MDA shall consider and review applications from any eligible businesses.

(3) The MDA shall develop regulations, procedures and application forms to govern the administration of the program. The MDA may enter into a personal services contract, subject to approval by the Public Procurement Review Board, for the administrative services of the program. The contract shall be let and awarded after receiving at least two (2) bids for time and expense not to exceed Nine Hundred Thousand Dollars ($900,000.00). The MDA may retain up to Nine Hundred Thousand Dollars ($900,000.00) of monies available under Sections 5 through 10 of this act to pay reasonable expenses incurred in the administration of the program.

SECTION 8. (1) Any eligible business desiring to participate in the program shall make application for a grant to the MDA in a form satisfactory to the MDA. The application shall include verified documentation, signed under penalty of perjury.

(2) The MDA shall use the funds provided by Sections 5 through 10 of this act to make grants to eligible businesses pursuant to applications submitted under subsection (1) of this section, to cover their eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. A

business found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The base payment to an eligible business shall be One Thousand Five Hundred Dollars ($1,500.00). An eligible business may choose to receive additional compensation by either claiming Five Hundred Dollars ($500.00) per full-time equivalent employee employed by the eligible business as of March 1, 2020, or itemizing eligible expenses on the application form. The total payment shall be reduced by the amount of any Paycheck Protection Program (PPP) funds, Economic Injury Disaster Loan (EIDL) Emergency Advance funds up to a maximum of Ten Thousand Dollars ($10,000.00), and business interruption insurance proceeds received by the eligible taxpayer; provided, however, that the total payment shall not be reduced by more than half. In no event shall the total payment to an eligible business under this section exceed Twenty-five Thousand Dollars ($25,000.00).

(b) At least Forty Million Dollars ($40,000,000.00) in grants, exclusive of administrative expenses retained by the MDA, shall be awarded to minority business enterprises for the first sixty (60) days of the application period.

(c) Grants awarded shall be protected from creditors and shall not be subject to tax; however, eligible expenses for which grants are received may not be itemized as tax deductions.

SECTION 9. There is created a special fund in the State Treasury, to be known as the "Back to Business Mississippi Grant Fund," from which the grants authorized by this act shall be disbursed by the MDA. All monies shall be disbursed from the fund in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act. If on November 1, 2020, there are unobligated monies in the fund, the Governor shall have the discretion to transfer monies to another state agency to be used for eligible expenditures pursuant to the CARES Act.

SECTION 10. To effectuate the purposes of Sections 5 through 10 of this act, any office, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the MDA, provide the employees, facilities, assistance, information and data needed to enable the MDA to carry out its duties. The MDA shall, at a minimum, work with the Department of Revenue to verify applicant tax information, and with the Department of Human Services to promote application by childcare organizations.

As soon as possible after the effective date of this act, the Secretary of State shall notify all registered businesses of the availability of grants under the program.

SECTION 11. Funds received under the Paycheck Protection Program (PPP) shall not be subject to tax; however, eligible expenses for which PPP funds are received may not be itemized as tax deductions.

SECTION 12. If any section, paragraph, sentence, clause, phrase or any part of this act is declared to be in conflict with federal law, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 13. This act shall take effect and be in force from and after its passage.

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